

CHAPTER NO. 110

SENATE BILL NO. 1685

By Haun, Atchley

Substituted for: House Bill No. 1407

By Stanley, McDaniel

AN ACT To amend Tennessee Code Annotated, Title 55, Chapters 10, 12 and 50 relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(c) is amended by deleting the subsection in its entirety and re-lettering the remaining subsections accordingly.

SECTION 2. Tennessee Code Annotated, Section 55-12-114(b) is amended by deleting the code references "§§ 55-10-403 and 55-50-502" and by substituting instead the code references "§§ 55-10-403, 55-10-406, 55-50-502 and 55-50-505".

SECTION 3. Tennessee Code Annotated, Section 55-50-405(a) is amended by adding the following new subdivision:

(9) The commissioner shall suspend the driver license of a commercial motor vehicle operator who is convicted of violating a railroad highway grade crossing law or regulation while operating a commercial motor vehicle, for not less than sixty (60) days for a first conviction; not less than one hundred twenty (120) days for a second conviction, if the violation occurred within a three (3) year period from the first violation; and one (1) year for a third conviction, if the violation occurred within three (3) years from the first violation, for the following offenses:

(A) For drivers who are not required to always stop pursuant to § 55-8-147, failing to slow down and check at the railroad highway grade crossing is clear of an approaching train;

(B) For drivers who are not required to always stop pursuant to § 55-8-147, failing to stop before reaching the railroad highway grade crossing if the tracks are not clear;

(C) A conviction of T.C.A. § 55-8-147;

(D) Failure to have sufficient space to drive completely through the railroad highway grade crossing without stopping;

(E) Failure to obey a traffic control device or the directions of an enforcement official at the railroad highway grade crossing;

(F) Failure to negotiate a railroad highway grade crossing because of insufficient undercarriage clearance.

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 50, Part 4 is amended by adding the following as a new appropriately designated Section:

a. It is unlawful for the operator of a commercial motor vehicle to fail to:

(1) Slow down and check that the railroad highway grade crossing is clear of an approaching train, if the driver is not required by § 55-8-147 to always stop at such crossing;

(2) Stop before reaching the railroad highway grade crossing, if the tracks are not clear, if the driver is not required to always stop, pursuant to § 55-8-147;

(3) Have sufficient space to drive completely through the railroad highway grade crossing without stopping;

(4) Negotiate a railroad highway grade crossing because of insufficient undercarriage clearance.

b. A violation of this section is a Class C misdemeanor, punishable by a fine only.

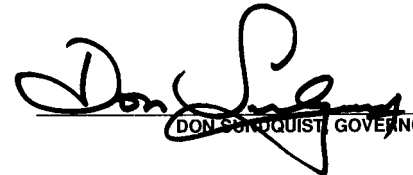
SECTION 5. Sections 1 and 2 of this act shall take effect July 1, 2001, the public welfare requiring it. Sections 3 and 4 of this act shall take effect July 1, 2002, the public welfare requiring it.

**PASSED: April 16, 2001**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 18<sup>th</sup> day of April 2001**

  
DON SUNDQUIST, GOVERNOR